IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1938 OF 2006

Indubai Damu Patil and 2 Ors. .. Petitioners.

Versus

The Sangli Urban Co.Op.Bank Ltd.

and 5 Ors. .. Respondents.

Shri.R.S.Ghatge for the petitioners.

Shri.N.V.Walawalkar with G.H.Keluskar for respondent No.1.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 9TH FEBRUARY, 2007.

P.C.:

1. Heard Shri.Ghatge appearing for the petitioners and Shri.Walawalkar, senior counsel appearing for the first respondent-original decree holder. I have perused the order passed by the lower Appellate Court on the application preferred by the petitioners for condoning the delay in filing the appeal. After perusing the said order and all other annexures to this petition, I am of the view that interest of justice would be subserved if the amount

which is directed to be deposited by the lower Appellate Court is reduced from Rs.1.00 lac to Rs.50,000/-. Needless to state that if the amount of Rs.50,000/- as directed by this order is not deposited in the lower Appellate Court within a period of six weeks from today, the appeal preferred by the petitioners to stand dismissed without any further reference to this Court. On deposit, liberty to the first respondent to withdraw the sum by furnishing such security as is sought by the lower Appellate Court. Needless to state that both deposit and withdrawal is without prejudice to the rights and contentions of the parties to the appeal.

2. No order as to costs.

(S.C.Dharmadhikari, J.)